IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CR No. 4490 of 2006
Date of Decision: 28.8.2006

Devender Kumar Malik ...Petitioner

Versus

Smt. Saroj Devi ....Respondent

Coram: Hon'ble Mr. Justice Hemant Gupta.

Present: Shri Arun Jain, Advocate, for the petitioner.

JUDGMENT

The tenant is in revision petition aggrieved against the order passed by the Courts below, whereby an order of ejectment has been passed on the ground that the demised premises are required for bona-fide use and occupation of the landlady.

It has been found that that possession of one room in the building let out to the petitioner-tenant is not sufficient for her requirements and, therefore, the landlady is entitled to seek ejectment of the tenant from the building let out.

Learned counsel for the petitioner has vehemently argued that the husband of the landlady died on 25.11.1991 and, thereafter, a fresh rent note was allegedly executed in the year 1996. The present petition was filed on 25.8.2000 and, thus, there is no change of circumstance after the death of her husband in 1991, which may entitle the landlady to seek ejectment at this stage.

I do not find any substance in the said argument. The

requirement keeps on changing. May be that after the death of her husband, the landlady had felt no necessity to seek ejectment of tenant and the present petitioner attorned in her favour by executing a fresh rent note. But her bona-fides cannot be doubted only for the reason that she is staying with one of her daughters at Chandigarh. The wish of the landlady for residing in her house, cannot be doubted merely on the ground that she is staying with her daughter when her own house is available for residence.

In view of the findings recorded, I do not find any material illegality or irregularity in the impugned order, which may warrant interference by this Court in exercise of its revisional jurisdiction.

Hence, the present petition is dismissed.

However, the ejectment order shall not be executed for a period one month from today.

28.8.2006 (HEMANT GUPTA)
ds JUDGE